

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2002

§2506. Conditional license

A license, ~~including a nonresident's operating privilege, issued by the Secretary of State~~ to a person with an OUI conviction must be issued on the condition that the person not operate a motor vehicle ~~after having consumed intoxicating liquor with any amount of alcohol in the person's blood~~ for the following periods from the license reinstatement date: on first conviction, one year; and on a 2nd or subsequent conviction, 10 years. The provisions of ~~section~~ sections 1251, subsection 1 and 2457 apply.

Sec. 32. 36 MRSA §1482, sub-§1, ¶C, as amended by PL 1995, c. 645, Pt. B, §23 and affected by §24, is further amended to read:

C. For the privilege of operating a motor vehicle or camper trailer on the public ways, each motor vehicle, other than a stock race car, or each camper trailer to be so operated is subject to excise tax as follows, except as specified in subparagraph (3): a sum equal to 24 mills on each dollar of the maker's list price for the first or current year of model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the 3rd year, 10 mills for the 4th year, 6 1/2 mills for the 5th year and 4 mills for the 6th and succeeding years. The minimum tax is \$5 for a motor vehicle other than a bicycle with motor attached, \$2.50 for a bicycle with motor attached, \$15 for a camper trailer other than a tent trailer and \$5 for a tent trailer. The excise tax on a stock race car is \$5.

(1) On new registrations of automobiles, trucks and truck tractors, the excise tax payment must be made prior to registration and is for a one-year period from the date of registration.

(2) Vehicles registered under the International Registration Plan are subject to an excise tax determined on a monthly proration basis if their registration period is less than 12 months.

(3) For commercial vehicles manufactured in model year 1996 and after, the amount of excise tax due for ~~commercial vehicles, as defined in Title 29-A, section 101, subsection 17, paragraph A~~ trucks or truck tractors registered for more than 26,000 pounds and for Class A special mobile equipment, as defined in Title 29-A, section 101, subsection 70, is based on the purchase price in the original year of title rather than on the list price. Verification of purchase price for the application of excise tax is determined by the initial bill of sale or the state sales tax document provided at point of purchase.

The initial bill of sale is that issued by the dealer to the initial purchaser of a new vehicle.

For motor vehicles being registered pursuant to Title 29-A, section 405, subsection 1, paragraph C, the excise tax must be prorated for the number of months in the registration.

Sec. 33. 36 MRSA §1482, sub-§1, ¶D, as enacted by PL 1987, c. 79, §§5 and 7, is repealed.

Sec. 34. 36 MRSA §1487, sub-§2-A is enacted to read:

2-A. Agent for collecting excise tax. The State Tax Assessor may appoint the Secretary of State as an agent for the purpose of collecting excise tax for the unorganized territories.

See title page for effective date.

CHAPTER 672

H.P. 1552 - L.D. 2055

An Act to Make the Use of Tokens or Tickets for Games of Chance at Agricultural Fairs Optional

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, agricultural fairs have demonstrated improved accounting practices; and

Whereas, the requirement that tokens or tickets be used when 3rd parties conduct games of chance at agricultural fairs is no longer necessary; and

Whereas, the agricultural fair season will begin prior to 90 days after adjournment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17 MRSA §330, sub-§1-C is enacted to read:

1-C. Agricultural society. "Agricultural society" or "fair" means a nonprofit agricultural fair society eligible for the state stipend under Title 7, section 62.

Sec. 2. 17 MRSA §330, sub-§2-C is enacted to read:

2-C. Gross revenue. "Gross revenue" means the total amount wagered in a game of chance less the prizes awarded.

Sec. 3. 17 MRSA §330, sub-§3-C is enacted to read:

3-C. Net revenue. "Net revenue" means gross revenue less all approved expenses.

Sec. 4. 17 MRSA §330, sub-§9 is enacted to read:

9. Tokens. "Tokens" means distinctive objects, chips, tickets or other devices of no intrinsic value used as a substitute for cash in accounting for revenue from a game of chance.

Sec. 5. 17 MRSA §331, sub-§2-A, as enacted by PL 1979, c. 736, §1, is amended to read:

2-A. Games of chance at agricultural fairs. The Chief of the State Police may issue a license to hold, conduct or operate the game of chance commonly known as "penny falls" or "quarter falls" at any agricultural fair as long as the fair controls the revenue from such games.

Sec. 6. 17 MRSA §335, as amended by PL 1999, c. 716, §§2 and 3, is further amended by repealing and replacing the headnote to read:

§335. Revenue and expenses

Sec. 7. 17 MRSA §335, sub-§1, as amended by PL 1999, c. 716, §2, is repealed and the following enacted in its place:

1. Compensation. Those who conduct games of chance may not be paid for such services except as follows.

A. An organization including a fair licensed to operate beano, bingo or Lucky 7 games may use up to 20% of the gross revenue to compensate those who conduct the games.

B. Each person who conducts a game of chance licensed to an agricultural fair may be paid at a rate that does not exceed 3 times the State's minimum wage as established in Title 26, section 664, subsection 1, unless the game is one for which the limit in paragraph A applies.

Sec. 8. 17 MRSA §335, sub-§2-B, as enacted by PL 1999, c. 716, §3, is repealed.

Sec. 9. 17 MRSA §336, sub-§1, as enacted by PL 1977, c. 350, §6, is repealed and the following enacted in its place:

1. Records required. Each licensee shall keep a record of all financial transactions involving games of chance operated under each license granted to the licensee. The treasurer of the licensee or another officer designated by the treasurer is responsible for maintaining those records. The records must include an exact account of all revenue from the games, an itemization of all expenses, including, but not limited to, the cost of prizes, printing, licenses and administration, and the disposition of all proceeds, including, but not limited to, all gifts, grants and payments to any person, firm, corporation, association or organization for any purpose whatsoever. All financial records involving games of chance must be separate and distinguishable from other records of the organization. Revenue from more than one game of chance may be entered into one account.

Sec. 10. 17 MRSA §336, sub-§1-A, as enacted by PL 1999, c. 716, §4, is repealed.

Sec. 11. 17 MRSA §336, sub-§1-B is enacted to read:

1-B. Records required for licensee employing tokens. If a licensee employs tokens to account for revenue from games of chance and if the licensee maintains direct control over the sale and redemption of the tokens and keeps accurate records of all tokens used, then the chief may by rule alter or reduce the record-keeping requirements of subsection 1 to the extent that a licensee's use of tokens renders those records unnecessary for adequate control of the licensee's games.

Sec. 12. 17 MRSA §336, sub-§2-A, as enacted by PL 1999, c. 716, §5, is repealed and the following enacted in its place:

2-A. Disposition of funds reports from licensee using tokens. If tokens are employed to account for revenue from games of chance, then the licensee shall report the number of tokens sold, the number redeemed and the disposition of funds from the proceeds of sale in addition to such other information as the chief may require under subsection 2.

Sec. 13. 17 MRSA §341, sub-§3, as amended by PL 2001, c. 384, §1 and affected by §3, is repealed.

Sec. 14. 17 MRSA §341, sub-§§5 and 6, as enacted by PL 1999, c. 716, §10, are amended to read:

5. Requirements. Agricultural fair societies fairs that use tokens shall provide records and reports

as required by section 336, subsections 1-A 1-B and 2-A.

6. Rules. Rules adopted pursuant to ~~subsections 3 and subsection~~ 4 are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 11, 2002.

CHAPTER 673

H.P. 1596 - L.D. 2099

An Act to Revise the Definition of Affordable Housing

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4301, sub-§1, as repealed and replaced by PL 1989, c. 878, Pt. A, §83, is repealed and the following enacted in its place:

1. Affordable housing. "Affordable housing" means a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8, as amended.

See title page for effective date.

CHAPTER 674

H.P. 1628 - L.D. 2128

An Act to Authorize a General Fund Bond Issue in the Amount of \$28,500,000 to Capitalize the School Revolving Renovation Fund, to Provide Grants to Public Educational Institutions to Install Sprinkler Systems in Dormitories, to Renovate the Harlow Office Building and to Provide a Center for Homeless Teenagers

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds to further capitalize the School Revolving Renovation Fund for repair and

improvements to school facilities to address serious health, safety and compliance deficiencies and to provide assistance for general renovations and learning space upgrades in Maine's public school facilities, to provide grants to public educational institutions to install sprinkler systems in dormitories, to renovate the Harlow Office Building and to provide a center for homeless teenagers.

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 25 MRSA §2463-A is enacted to read:

§2463-A. Installation of sprinkler systems in dormitories

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automatic sprinkler system" means an automatic sprinkler system that at a minimum satisfies the requirements of Pamphlet 13 or 13R of the National Fire Protection Association or other requirements established by the State Fire Marshal.

B. "Department" means the Department of Public Safety.

C. "Dormitory" means a building or space in a building owned by a public educational institution in which:

(1) At least 5 rooms are provided as sleeping accommodations for students of the public educational institution; or

(2) Sleeping accommodations are provided for 15 or more students of the public educational institution.

D. "Public educational institution" means the University of Maine System, the Maine Technical College System, the Maine Maritime Academy or the Maine School of Science and Mathematics.

2. Approved automatic sprinkler system. A dormitory of a public educational institution must be equipped with an automatic sprinkler system in accordance with this subsection.

A. A dormitory constructed by a public educational institution or a building converted into a dormitory by a public educational institution after the effective date of this paragraph must be equipped with a complete automatic sprinkler